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20 THE LINCOLN NATIONAL LIFE
21 INSURANCE COMPANY

22 **UNITED STATES DISTRICT COURT**

23 **DISTRICT COURT OF NEVADA**

24 RICK ERDMANN,)	Case No. 2:17-cv-02383-JAD-PAL
)	
25 Plaintiff,)	
)	
26 v.)	JOINT STIPULATION AND
)	[PROPOSED] ORDER EXTENDING
27 THE LINCOLN NATIONAL LIFE)	DISPOSITIVE MOTIONS DEADLINE
)	
28 INSURANCE COMPANY,)	(First Request)
)	
29 Defendant.)	

30 Plaintiff Rick Erdmann and Defendant The Lincoln National Life Insurance Company
31 (“Lincoln National”), by and through their respective counsel, hereby stipulate and agree:

32 1. This is an action under the Employee Retirement Income Security Act of 1974 as
33 amended, 29 U.S.C. § 1001 *et seq.* (“ERISA”).

34 2. Pursuant to the July Joint Status Report (Doc. 35), the Parties agreed to file their
35 motions for summary judgment by October 31, 2018.

1 3. In an attempt to resolve the case before incurring substantial fees associated with
2 motions for summary judgment, the Parties unsuccessfully mediated on May 9, 2018. Since then,
3 the Parties have continued to explore multiple settlement options. However, after months of
4 exhaustive settlement negotiations, the Parties remain at an impasse. As this is an ERISA action,
5 the Parties agree that it should be resolved on summary judgment.

6 4. To date, the Parties avoided the time and expense associated with drafting
7 dispositive motions (both to the Parties and the Court) as they continued their settlement
8 discussions. Because the Parties cannot settle, they now agree that dispositive motions are
9 necessary and appropriate. As such, the Parties request a two-week extension to file their
10 respective motions for summary judgment, and propose the following deadlines: dispositive
11 motions will be filed by **Tuesday, November 13, 2018**; responses by **Thursday, December 13,**
12 **2018**, and replies by **Friday, January 11, 2019**.

13 5. This is the first stipulation for an extension of the dispositive motion deadline.
14 The Parties do not presently anticipate any further extensions of this deadline will be necessary.
15 This extension is sought in good faith after the Parties continuously negotiated to reduce the
16 additional expenses associated with filing dispositive motions while they continued their
17 extensive settlement discussions. It is not requested for any improper purpose.

18 Dated: October 26, 2018

LAW OFFICE OF JULIE A. MERSCH

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1 Dated: October 26, 2018

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14 *Attorneys for Defendant The Lincoln National*
15 *Life Insurance Group*

16 **IT IS SO ORDERED.**

17 
18

19 UNITED STATES DISTRICT COURT JUDGE
20 OR UNITED STATES MAGISTRATE JUDGE

21 DATED: October 29, 2018